

Serial Number
10/019,193

PF990042
Customer No. 24498

REMARKS

Claims 1-8 are pending.

Claims 1-8 are rejected.

Claims 9 and 10 are new.

Claim 1 is amended for clarity (for example, to claim at least one service instead of services. Additionally, the format of the claim is amended to overcome the objections made by the Examiner to the claim.

Claim 2 is amended to eliminate the term "in" from the claim, as requested by the Examiner.

Claim 3 is amended to fix the language of the claim.

Claim 4 is amended to eliminate the term "in" from the claim, as requested by the Examiner. In addition, the claim is amended to comport the term "the update list" to Claim 1.

Claim 6 is amended for clarity.

Claim 7 is amended for clarity.

Claim 8 is amended to fix the problems listed in claim objections pointed out to by the Examiner.

Claim 9 is added to define that the "predetermined number" is more than one. Support for this new claim is in the specification on page 8, lines 18-27.

Claim 10 is added to claim that that counter counts at least two times before the selected service is deleted from the claimed customized list. Support for this new claim is found in the specification on page on page 8, lines 18-27.

The amendments made to the specification (for the different section titles) were requested to by the Examiner.

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No new matter was added in view of these amendments.

I. Claim Objections

Applicants, in view of the Examiner's comments, have attempted to fix the stated claim objections. If the Examiner is still of the opinion that the listed claim objects are not fixed, the Examiner is encouraged to contact the Applicants' representative.

II. 35 U.S.C. §103 Rejection of Claims 1 and 4-7

The Examiner rejected Claim 1 and 4-7 under 35 U.S.C. 103(a) as being unpatentable over Cuccia (U.S. Patent # 6,337,719) in view of Rzeszewski et al. (U.S. Patent # 5,917,481, hereafter referred to as 'Rzeszewski'). Applicants disagree with this ground of rejection.

Claim 1 claims a step of "triggering a consistency check between said at least one customized list of services and the update of the list of said at least one service available to the receiver". This aspect of performing a "consistency check" is neither disclosed nor suggested either in Cuccia or Rzeszewski, alone or in combination.

The Cuccia reference cited by the Examiner discloses operation of performing an "update" of a compound EPG (for example, see Cuccia, col. 4, lines 36-44), which performs such updates in a stand-by mode, etc. The Rzeszewski (when combined with Cuccia) reference cited by the Examiner discloses further "updating" and EPG program guide "by only storing program guide information associated with channels stored by the user in connection with the select-channel function of the receiver" (for example, see Rzeszewski, col. 1, lines 61-66). Hence, the combined system cited to the Examiner performs an "update" of EPG information for a limited list of channels pre-selected by a user.

The combined system of Cuccia and Rzeszewski however does not disclose or suggest the claimed step of "triggering a *consistency* check between said at least one customized list of services and the update of the list of said at least one service available to the receiver" (emphasis added). That is, a consistency check is performed by the claimed receiver, which is not the same as

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performing an "update" of EPG information as disclosed in the Examiner's combined system (i.e., a consistency check can be performed without having to perform the operation of updating EPG information). Apparently, the combined system of Cuccia and Rzeszewski will update EPG information without checking to see whether the customized list of services is *consistent* with a list of at least one service available to the receiver.

The Applicants also assert that the differences between "updating" and performing a consistency check, as claimed in Claim 6, applies for the same reasons listed above for Claim 1.

For the reasons listed above for Claims 1 and 6, Applicants assert that such claims are patentable over the cited art of record. In addition, Claims 4-5 and 7 are patentable; as such claims depend on allowable Claims 1 and 6, respectively. Applicants request that the Examiner remove the rejection to these dependent claims, as well.

III. 35 U.S.C. §103 Rejection of Claims 2-3 and 8

The Examiner rejected Claim 1 and 4-7 under 35 U.S.C. 103(a) as being unpatentable over Cuccia in view of Rzeszewski and in further view of Lazarus et al. (U.S. Patent 5,652,613, hereafter referred to as 'Lazarus'). Applicants disagree with this ground of rejection.

Claim 2 claims an operation of the consistency check (of Claim 1) comprising "the step of verifying the presence of a service in the at least one stored list which is not in the updated list, and in case such an absence is detected, deleting said service from the stored list." This claimed feature is neither disclosed nor suggested in the cited combination of Cuccia, Rzeszewski, and Lazarus, alone or in combination.

Specifically, Lazarus, when combined with Cuccia and Rzeszewski, discloses a system that deletes EPG information when such information is obsolete (such as such information pertaining to television shows that have already been aired) only after space is required in the memory of such as system (this is the stated purpose of Lazarus). Claim 2, in contrast, claims that a service

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which is present in a stored list is deleted from such a customized list when the service is not present is the received list of available services.

This claim is different from Examiner's combined system for two reasons:

- (1) The Examiner's combination does not delete services from a stored customized list (as in Claim 2). Rather, the combined system deletes EPG information for corresponding shows that have already been televised (see Lazarus, col. 4, lines 30-59, and in other places).
- (2) The deletion of EPG information in the Examiner's combined system is only performed when memory space is needed (see Lazarus Fig. 1, for example) versus, what is claimed in Claim 2 which deletes a service from a stored list when a service is absent from an update of available services.

The cited to sections of Lazarus (with Cuccia, Rzeszewski) by the Examiner does not disclose the modification of a list of services where a service is deleted from such a list. Rather, the combination cited to by the Examiner deletes expired program information.

In addition, the cited to combination by the Examiner of Cuccia, Rzeszewski, and Lazarus, does not disclose or suggest the deletion of a service in the stored list when it is absent from the update list, after performing a predetermined number of checks. The combined system of Cuccia, Rzeszewski, and Lazarus only deletes information from an EPG only when space is needed. The Examiner's combined system does not contemplate performing the same check predetermined number of times before deleting a service from a stored list when such a service is not present in an update list.

Claim 9 further modifies this idea where the check is performed at least twice (more than one).

Claim 8 is patentable for the same reasons listed above for Claim 2. Specifically, the Examiner's cited to combination does not disclose or suggest the presence of a counter that is used to count number of times a service in a customized list is not found in the update list, where such a service is deleted when the claimed counter reaches a predetermined value. For example, a range

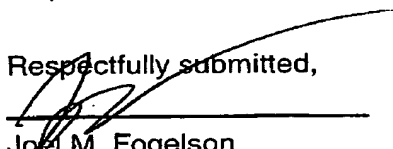
of dates (calendar_date field of Lazarus) or times (program start_time of Lazarus) is not the same thing as "a counter which counts the number of times when a service in the customized list is not in the update list" as claimed in Claim 8. The Examiner's cited to parts of Lazarus, with Cuccia, Rzeszewski are not analogous to the elements of Claim 8, unlike what is stated in the Office Action.

Applicants also note that aspect of having the counter count two times before deleting a service from the customized list (in new Claim 10), is neither disclosed nor suggested in Cuccia, Rzeszewski, and Lazarus, alone or in combination.

For the reasons listed above, Applicants assert that Claims 2-3 and 8 are patentable. Applicants request that the Examiner remove the rejection to such claims. Applicants also assert that new Claims 9 and 10 are patentable for the reasons given above.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6809, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,


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